

MINUTE of MEETING of the CIVIC LICENSING COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on TUESDAY 1 SEPTEMBER 2015 at 9.30 a.m.

COUNCILLORS:

Jim Blackwood
Gordon Hughes
Depute Provost John Patrick
Provost Pat Reid
Ann Ritchie
Sandy Turner

OFFICERS:

Bryan Douglas, Licensing Co-ordinator
Arlene Fraser, Committee Services Officer
Frances Kobiela, Senior Solicitor
Brian Samson, Enforcement Officer (for items CL* & CL*)

CL56. APOLOGIES

No apologies were intimated.

CL57. DECLARATIONS OF INTEREST

No declarations were intimated at this stage.

CL58. ORDER OF BUSINESS

In terms of Standing Order 14.2(i), Provost Reid advised of a variation to the order of business from that detailed on the agenda for the meeting. The following items have been recorded in the order that they were taken.

CL59. MINUTE

Decision

The minute of the meeting of the Civic Licensing Committee held on 10 August 2015 was approved.

CL60. LIST OF APPLICATIONS GRANTED UNDER DELEGATED POWERS IN JULY 2015 AND NOTIFICATIONS OF PUBLIC PROCESSIONS PENDING

The committee considered a report by the Chief Governance Officer detailing (a) applications granted under delegated powers between 1 July and 31 July 2015 in terms of the Civic Government (Scotland) Act 1982, and (b) notifications of pending public processions.

Decision

The committee noted the report.

CL61. CIVIC LICENSING ENFORCEMENT – JULY

The committee considered a report by the Chief Governance Officer giving an overview of enforcement action taken with regard to Civic Licensing activities during July 2015.

The committee noted the report.

CL62. EXCLUSION OF PUBLIC

RESOLVED in terms of Section 50A(4) of the Local Government (Scotland) Act 1973, to exclude from the meeting the press and public for the following items of business on the ground that they would involve the likely disclosure of exempt information as defined in Paragraph 6 of Part 1 of Schedule 7A to the said Act.

CL63. APPLICATION FOR THE GRANT OF A NEW SECOND HAND DEALER LICENCE

Mr McI, an employee of the applicant company, entered the meeting.

At this stage, Councillor Blackwood declared a non-financial interest in this item by virtue of having prior knowledge of the applicant, in consequence of which he recused himself from consideration of the item, having regard to Mr McI to the objective test in the Code of Conduct.

The committee considered a report by the Chief Governance Officer on an application for the grant of a new second hand dealer licence (a) advising of the background to the application, and (b) detailing the consultations undertaken and the responses received.

Mr McI, spoke in support of the application.

Questions were then asked by Members of the committee.

Decision

The committee agreed to grant the second hand dealer licence for a period of three years subject to the standard conditions but with a variation in relation to the following conditions:-

- (a) the condition requiring that records be maintained in a bound book to be varied to enable such records to be maintained electronically; and**
- (b) that the condition prohibiting the activity of pawn broking in the same premises as a second hand dealer to be removed.**

Councillor Blackwood re-joined the meeting prior to consideration of the following item of business.

CL64. APPLICATION FOR THE RENEWAL AND VARIATION OF A PRIVATE HIRE CAR OPERATOR LICENCE

The applicant, Mr Y, entered the meeting.

The committee considered a report by the Chief Governance Officer on an application for the renewal and variation of a private hire car operator licence (a) advising of the background to the application; (b) detailing the consultations undertaken and responses received, and (c) attaching as an appendix, a written request by the applicant to vary the licence condition 14 to allow the sign to be of a magnetic type that is removable, and the reasons why he wishes to use removable signs.

Mr Y spoke in support of the application.

Questions were then asked by Members of the committee.

Decision

The committee agreed to renew the private hire car operator licence for a period of one year, subject to the standard conditions as approved but with a variation to conditions 8 and 14 to allow the signs referred to, to be magnetic signs of similar size and design supplied by the Licensing authority and paid for by the applicant. The applicant will be excused the duty to display the signs when the vehicle is not undertaking private hire car activities but the signs must be kept within the vehicle at all times.

CL65. REQUEST TO VARY THE CONDITIONS OF TAXI DRIVER LICENCE NO.1626 AND TAXI OPERATOR LICENCE NO.341

The applicant, Mr D, entered the meeting.

The committee considered a report by the Chief Governance Officer on an application from the licence holder requesting that, due to health concerns, that he be exempt from taxi driver licence condition No.31 and taxi operator licence condition No.10.

The report set out the background to the application and, attached as appendices, letters from both the applicant and an Associate Specialist in Rheumatology, NHS Forth Valley outlining his medical condition.

Mr D spoke in support of the application.

Questions were then asked by Members of the committee.

Decision

The committee agreed to vary taxi driver licence condition no.31 to allow the licence holder an exemption from complying to assist a wheelchair user in and out of his taxi. Following clarification from both the Licensing Co-ordinator and the applicant, no variation was sought of taxi operator licence condition no.10.

CL66. APPLICATION FOR THE GRANT OF A NEW PRIVATE HIRE CAR OPERATOR LICENCE

The applicant, Mr D, entered the meeting.

The committee considered a report by the Chief Governance Officer on an application for the grant of a new private hire car operator licence (a) advising of the background to the application; (b) detailing the consultations undertaken and responses received, and (c) detailing the applicant's record.

Mr D spoke in support of the application.

Questions were then asked by Members of the committee.

Decision

The committee agreed to grant the private hire car operator licence for a period of one year subject to the standard conditions.

CL67. APPLICATION FOR THE GRANT OF A NEW PRIVATE HIRE CAR DRIVER LICENCE

The applicant, Mr D, entered the meeting.

The Committee considered a report by the Chief Governance Officer on an application for the grant of a new private hire car driver licence (a) advising of the background to the application; (b) detailing the consultations undertaken and responses received, and (c) detailing the applicant's record.

Mr D spoke in support of the application.

Questions were then asked by Members of the committee.

Decision

The committee agreed to grant the private hire car driver licence for a period of one year subject to the standard conditions.

CL68. SUSPENSION HEARING IN RELATION TO TAXI DRIVER LICENCE NO.1915

The licenceholder, Mr S, his father Mr S and his representative Mr T, together with Inspector I McGregor and PC A Kane, Police Scotland, entered the meeting.

The committee considered a report by the Chief Governance Officer advising of (a) a letter of complaint submitted by Police Scotland in respect of the licenceholder seeking a suspension of his taxi driver licence.

Mr T, representative for the licence holder, advised that he had no preliminary points to make on the competency of the complaint following which the letter of complaint was circulated.

Inspector McGregor then spoke in relation to the complaint.

Questions were asked of Inspector McGregor by Mr T.

Mr T, on behalf of his client, was then heard in relation to the complaint.

Questions were asked of the licence holder by Members of the committee.

There being no further questions, both parties summed up.

AGREED that a short adjournment take place to enable the committee to consider the submissions.

The licence holder, his father and his agent, together with representatives of Police Scotland, left and were then recalled to the meeting.

Decision

The committee agreed to take no further action.

The committee adjourned at 10.45 a.m. and reconvened at 11.00 a.m. with all members present as per the sederunt.

CL69. APPLICATIONS FOR THE RENEWAL OF A TAXI DRIVER LICENCE AND TAXI OPERATOR LICENCE

The applicant, Mr McG, entered the meeting.

The committee considered a report by the Chief Governance Officer on applications for the renewal of a taxi driver licence and taxi operator licence (a) advising of the background to the applications; (b) summarising the consultations undertaken and responses received, and (c) detailing the applicant's record.

Mr McG spoke in support of the applications.

Questions were then asked by members of the committee.

Decision

The committee agreed to renew the taxi driver licence and taxi operator licence for a period of one year subject to the standard conditions.